

ASSEMBLY, No. 268

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BATEMAN and RUSSO

1 AN ACT revising the law concerning voting offenses, enacting a new  
2 chapter to Title 2C of the New Jersey Statutes, and repealing  
3 various sections of the statutory law.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. A new Chapter 31 of Title 2C of the New Jersey Statutes is  
9 added as follows:

10

11

TITLE 2C

12

CHAPTER 31

13

ELECTION OFFENSES

14

15 2C:31-1. Illegal voting.

16 A person commits a crime of the fourth degree if that person  
17 knowingly:

18 a. Votes in an election in which the person is not eligible to vote;

19 b. Registers as a voter when the person is not eligible to register;

20 c. Signs a nominating petition or other petition relating to an  
21 election when the person is not eligible to sign the petition;

22 d. Votes more than once in an election;

23 e. Votes as another person; or

24 f. Votes in violation of the voting procedures established by law.

25 Source: Various

26 2C:31-2. Tampering with voting machine.

27 a. A person commits a crime of the third degree if that person  
28 tampers with a voting machine, ballots or election records with  
29 purpose to change the record of votes cast.

30 b. A person commits a crime of the fourth degree if that person  
31 possesses a key to a voting machine knowing that the possession is

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 not authorized by election officials.

2 Source: R.S.19:53-1

3 2C:31-3. Interfering with voting.

4 a. A person commits a crime of the fourth degree if, without lawful  
5 authorization, that person knowingly obstructs an election or hinders  
6 another person from voting, registering as a voter, or signing a  
7 nominating petition or other petition relating to an election.

8 b. A person commits a crime of the fourth degree if that person  
9 offers a benefit to another person with purpose to induce the person  
10 to refrain from voting, registering to vote, or signing a nominating  
11 petition or other petition relating to an election.

12 c. A person who accepts a benefit forbidden by subsection b.  
13 commits a disorderly persons offense.

14 Source: Various

15 2C:31-4. Electioneering at polls.

16 A person commits a disorderly persons offense if, within 100 feet  
17 of a polling place at which an election is being held, that person:

18 a. Distributes campaign material;

19 b. Solicits support for a person or matter which is the subject of  
20 the election; or

21 c. Displays a political badge other than an official badge distributed  
22 by election officials.

23 Source: N.J.S.18A:14-81, N.J.S.18A:14-85, R.S.19:34-15,  
24 R.S.19:34-19.

25 2C:31-5. Ballot secrecy.

26 A person who tampers with a voting machine or ballots to  
27 determine how a voter has voted, or who induces the voter to  
28 distinguish the record of that person's vote from others, commits a  
29 disorderly persons offense.

30 Source: Various

31 2C:31-6. Betting on elections.

32 A person who bets on the outcome of an election commits a  
33 disorderly persons offense.

34 Source: N.J.S.18A:14-87

35 2C:31-7. Unsigned election advertisements.

36 A person who publishes or distributes advertisements intended to  
37 influence voting that do not include the names and addresses of the  
38 person and organization that caused the advertisement to be produced  
39 commits a disorderly persons offense.

40 Source: N.J.S.18A:14-97 through 18A:14-97.3; R.S.19:34-38.1 and  
41 19:34-38.3

42

43 2. N.J.S.2C:51-3 is amended to read as follows:

44 2C:51-3. Voting and Jury Service.

45 A person who is convicted of a crime shall be disqualified

46 a. From voting in any primary, municipal, school, special or general

1 election as determined by the provisions of R.S.19:4-1; and

2 b. From serving as a juror as determined by the provisions of  
3 N.J.S.2A:69-1.

4 (cf: P.L.1979, c.178, s.106)

5

6 3. N.J.S.18A:14-53 is amended to read as follows:

7 18A:14-53. In all school districts using paper ballots, after the  
8 election officers shall have ascertained that a voter is properly  
9 registered and qualified to vote, the election officers shall furnish to  
10 the voter one official ballot numbered to correspond with the number  
11 entered opposite the voter's name in the poll list, allowing for spoiled  
12 ballots, if any.

13 No ballot shall be handed to a voter until there is a booth ready for  
14 occupancy and until the voter shall have signed the poll list. The  
15 election officers shall not allow a voter to mark his ballot outside of an  
16 election booth unless the voter is unable to enter the booth by reason  
17 of his physical disability.

18 The election officers shall instruct the voter how to fold the ballot  
19 and shall crease the ballot so as to indicate the point where the voter  
20 shall fold the ballot, but before handing the ballot to the voter the  
21 election officers shall see that the face of the ballot including the  
22 coupon is exposed, and at the same time shall call off the ballot  
23 number to the official having charge of the poll list, who shall make  
24 certain that the ballot number and number entered opposite agree,  
25 allowing for spoiled ballots, if any.

26 If the number of the ballot does not follow consecutively, the  
27 missing number or numbers shall be written on a blank sheet of paper  
28 signed by the election officers and placed on the string with the  
29 coupons in its or their proper place or places.

30 Every voter to whom a ballot is given shall thereupon retire into the  
31 polling booth. Not more than one voter shall be permitted to enter or  
32 be in the same booth at one time. The voter shall prepare his ballot in  
33 the booth secretly and screened from the observation of others.

34 [Any person or voter who shall intentionally violate the provisions  
35 of this section shall be deemed guilty of a misdemeanor and shall be  
36 punished by a fine not exceeding \$500.00, or by imprisonment not  
37 exceeding 1 year or both at the discretion of the court.]

38 (cf: P.L.1982, c.118, s.3)

39

40 4. N.J.S.18A:14-103 is amended to read as follows:

41 18A:14-103. No insurance corporation or association doing  
42 business in this state shall, directly or indirectly, pay or use, or offer,  
43 consent or agree to pay or use, any money or property for or in aid of  
44 any political party, committee, organization or corporation, or for or  
45 in aid of any candidate for political office, or in connection with the  
46 adoption or rejection of any public question at any election, or for any

1 political purpose whatsoever, or for the reimbursement of  
2 indemnification of any person for money or property so used.

3 Any officer, director, stockholder, attorney or agent of any  
4 corporation or association which violates any of the provisions of this  
5 chapter, who participates in, aids, abets, or advises, or consents to any  
6 such violation, and any person who solicits or knowingly receives any  
7 money or property in violation of this chapter, shall be guilty of a  
8 **[misdemeanor] crime of the fourth degree.**

9 (cf: N.J.S.18A:14-103)

10

11 5. R.S.19:15-26 is amended to read as follows:

12 19:15-26. Every voter to whom a ballot is given shall thereupon  
13 retire into the polling booth. Not more than one voter, except as  
14 hereinafter provided, shall be permitted to enter or be in the same  
15 booth, at one time. The voter shall prepare his ballot in the booth  
16 secretly and screened from the observation of others.

17 **[Any person or voter who shall violate the provisions of this section  
18 shall be deemed guilty of a misdemeanor and shall be punished by a  
19 fine not exceeding five hundred dollars or by imprisonment not  
20 exceeding one year or both at the discretion of the court.]**

21 (cf: R.S.19:15-26)

22

23 6. R.S.19:17-3 is amended to read as follows:

24 19:17-3. After the district board shall have made up and certified  
25 such statements, it shall at the same time and with the ballot boxes, as  
26 hereinafter provided, deliver or safely transmit one of the statements  
27 to the clerk of the municipality wherein such election is held, who shall  
28 forthwith file the same. In counties having a superintendent of  
29 elections one of such statements shall forthwith be filed with the  
30 superintendent of elections of the county. The superintendent may  
31 arrange to accept such certificates in such municipality within the  
32 county at the office of the clerk of such municipality or some other  
33 convenient place. Any municipal clerk who shall refuse to permit such  
34 superintendent or his deputies or assistants access to his office for the  
35 purpose of collecting such certificates or any municipal clerk or other  
36 person who shall interfere or obstruct the superintendent, his deputies  
37 or assistants in the collection of such certificates, or any member of a  
38 district board who shall willfully fail or refuse to deliver such  
39 statement to the superintendent, his deputies or assistants as the case  
40 may be, shall be guilty of a **[misdemeanor] crime of the fourth degree.**  
41 In all counties the board shall, immediately after election, deliver or  
42 safely transmit another of the statements to the clerk of the county,  
43 who shall forthwith file the same.

44 If officers were voted for or public questions were voted upon at  
45 the election by the voters of the entire State or of more than one  
46 county thereof, or of a congressional district, then the board shall,

1 immediately after the election, inclose, seal up and transmit the fourth  
2 statement to the Secretary of State by mail in stamped envelopes to be  
3 furnished by the Secretary of State, addressing the same in the  
4 following manner: "To the Secretary of State of New Jersey, Trenton,  
5 New Jersey." Upon receiving such statements the Secretary of State  
6 shall forthwith file the same in his office.

7 (cf: P.L.1953, c.19, s.19)

8

9 7. R.S.19:18-1 is amended to read as follows:

10 19:18-1. As soon as the election shall be finished and the votes  
11 canvassed and the statements made and certified by the district board  
12 as herein required, all ballots which have been cast, whether the same  
13 have been canvassed and counted or rejected for any cause, and one  
14 tally sheet, spoiled and unused ballots, shall be carefully collected and  
15 deposited in the ballot box.

16 In all municipalities the signature copy registers shall not be placed  
17 in the ballot box but shall be delivered immediately by the district  
18 board to the commissioner of registration.

19 In order to carry out his duties, any superintendent of elections in  
20 counties having a superintendent of elections shall have access and be  
21 permitted to inspect and examine any and all signature copy registers  
22 for said county for any election which may have been or shall be held  
23 in said county and any official or person having possession or custody  
24 of same who shall refuse to deliver said signature copy registers to the  
25 office of said superintendent of elections forthwith upon demand  
26 having been made upon him by said superintendent of elections as  
27 aforesaid shall be guilty of a [~~misdemeanor~~] crime of the fourth  
28 degree. Unless the said official having custody or possession of said  
29 signature copy registers shall forthwith produce the same at the office  
30 of the superintendent of elections when demanded by him so to do, the  
31 said superintendent of elections may apply to a judge of the Superior  
32 Court assigned to the county and such judge shall forthwith make an  
33 order directing the official having possession or custody of the said  
34 signature copy registers to produce them at once in the court in which  
35 said judge may be sitting, and upon their being produced said judge  
36 shall deliver the same to the superintendent of elections.

37 (cf: P.L.1991, c.91, s.244)

38

39 8. R.S.19:23-45 is amended to read as follows:

40 19:23-45. No voter shall be allowed to vote at the primary election  
41 unless his name appears in the signature copy register.

42 A voter who votes in a primary election of a political party or who  
43 signs and files with the municipal clerk or the county commissioner of  
44 registration a declaration that he desires to vote in the primary election  
45 of a political party shall be deemed to be a member of that party until  
46 he signs and files a declaration that he desires to vote in the primary

1 election of another political party at which time he shall be deemed to  
2 be a member of such other political party. The Secretary of State shall  
3 cause to be prepared political party affiliation declaration forms and  
4 shall provide such forms to the commissioners of registration of the  
5 several counties and to the clerks of the municipalities within such  
6 counties.

7 No voter, except a newly registered voter at the first primary at  
8 which he is eligible to vote, or a voter who has not previously voted  
9 in a primary election, may vote in a primary election of a political party  
10 unless he was deemed to be a member of that party on the fiftieth day  
11 next preceding such primary election.

12 A member of the county committee of a political party and a public  
13 official or public employee holding any office or public employment to  
14 which he has been elected or appointed as a member of a political  
15 party shall be deemed a member of such political party.

16 [Any person voting in the primary ballot box of any political party  
17 in any primary election in contravention of the election law shall be  
18 guilty of a misdemeanor, and any person who aids or assists any such  
19 person in such violation by means of public proclamation or order, or  
20 by means of any public or private direction or suggestions, or by  
21 means of any help or assistance or cooperation, shall likewise be guilty  
22 of a misdemeanor.]

23 (cf: P.L.1977, c.97, s.1)

24

25 9. R.S.19:23-53 is amended to read as follows:

26 19:23-53. The district board shall immediately deliver or transmit  
27 this statement to the clerks of the county and municipality within  
28 which such primary election was held. In counties having a  
29 superintendent of elections one of such statements shall forthwith be  
30 filed with the superintendent of elections of the county. The  
31 superintendent may arrange to accept such certificates in each  
32 municipality within the county at the office of the clerk of such  
33 municipality or some other convenient place. Any municipal clerk who  
34 shall refuse to permit such superintendent or his deputies or assistants  
35 access to his office for the purpose of collecting such certificates or  
36 any municipal clerk or other person who shall interfere or obstruct the  
37 superintendent, his deputies or assistants in the collection of such  
38 certificates, or any member of a district board who shall willfully fail  
39 or refuse to deliver such statement to the superintendent, his deputies  
40 or assistants as the case may be, shall be guilty of a [misdemeanor]  
41 crime of the fourth degree.

42 (cf: P.L.1947, c.168, s.14)

43

44 10. R.S.19:31-15 is amended to read as follows:

45 19:31-15. For the purpose of preventing fraudulent voting and of  
46 eliminating names improperly registered, the commissioner in counties

1 having a superintendent of elections, and the county board in all other  
2 counties, may within ninety days after each general election preceding  
3 the general election at which members of the House of Representatives  
4 are elected send by government reply postal card to each registrant  
5 who failed to vote at such election, at his registered address, a notice  
6 substantially as follows:

7 "Please answer the question as to residence and removal as indicated  
8 on attached reply card.

9 .....

10 Commissioner of Registration"

11 The reply card shall be addressed to the commissioner and shall bear  
12 substantially the following questions with appropriate spaces for  
13 answers:

14 "(1) Do you still reside at the address to which this notice has been  
15 mailed?

16 (2) If not, where do you now reside? (Stating street address and  
17 city or town to which you have moved.)

18 Signed ....."

19 The county board in counties not having a superintendent of  
20 elections may also, and in addition to the method hereinbefore  
21 provided, direct at any time an authorized clerk or clerks to make any  
22 personal investigation which the commissioner or county board may  
23 deem necessary to establish the fact of continued residence or of  
24 removal of any registrant.

25 The commissioner in counties having a superintendent of elections,  
26 and the county board in all other counties, shall, in addition to the  
27 method hereinbefore provided, at least once during every four years  
28 and as often as the commissioner in counties having a superintendent  
29 of elections or the county board in all other counties may deem  
30 necessary, cause the entire registry list to be investigated by  
31 house-to-house canvass to establish the fact of continued residence,  
32 removal, death, disqualification or improper registration.

33 In case of registrants who have been found to the satisfaction of the  
34 commissioner in counties having a superintendent of elections and to  
35 the county board in all other counties, to have moved from one  
36 address to another within the same county, the commissioner in  
37 counties having a superintendent of elections, and the county board in  
38 all other counties, shall cause the permanent registration forms of said  
39 registrants to be transferred to the proper registers, upon receipt of a  
40 change of residence notice duly executed by such registrants, as  
41 provided by law.

42 In case of registrants so found to have moved to any place outside  
43 the county or State, the commissioner in counties having a  
44 superintendent of elections, and the county board in all other counties,  
45 shall cause the permanent registration forms of such persons to be  
46 transferred to the inactive file. Such persons upon return to any

1 municipality within the county shall be required to reregister before  
2 being allowed to vote.

3 In case of registrants so found to have died, been disqualified or  
4 improperly registered, the county board in counties not having a  
5 superintendent of elections shall cause the permanent registration  
6 forms of such persons to be transferred to the inactive or death file as  
7 the case may be.

8 The county board in counties not having a superintendent of  
9 elections before removing, for any reason whatsoever, the permanent  
10 registration forms of any registrant from the signature copy registers,  
11 or before transferring such forms to the inactive file shall cause to be  
12 published a notice setting forth the proposed action of the county  
13 board. This notice shall contain the list of the names and registered  
14 addresses of all registrants to be affected by the proposed action.  
15 Such notice and list shall be published at least two entire days prior to  
16 the removal of such names and shall be published in at least one, and  
17 if the county board deems necessary, two or more newspapers  
18 published within the county, one of which newspapers, at least, shall  
19 be published in the municipality affected, if there be one published  
20 therein; otherwise, one which shall have a circulation in said  
21 municipality. At least one of such newspapers shall be a daily  
22 newspaper, but if there be no daily newspapers published in the county  
23 then such notices shall be published as above provided in weekly  
24 papers. The notice and list shall in addition specify the reason or  
25 reasons for the contemplated removal or transfer of the permanent  
26 registration forms of the registrants affected. The notice and list shall  
27 be published in the manner above provided prior to the second  
28 Tuesday preceding any election.

29 Any person affected by any action of the county board in counties  
30 not having a superintendent of elections shall, during the two weeks  
31 immediately preceding any election and on election day, have the right  
32 to make application to any judge of the Superior Court in that county,  
33 for the purpose of obtaining an order entitling him to vote in the  
34 district in which he actually resides. The burden of proof shall be upon  
35 the applicant. The judge of the Superior Court if satisfied that the  
36 applicant is entitled, under the law, to vote at such election, and after  
37 determining the election district in which such person actually resides,  
38 may issue an order directing the district board of that district to permit  
39 such person to vote. Such person must reregister before voting at any  
40 subsequent election by court order or otherwise. If the applicant shall  
41 be refused the right to vote, due to inability of the district board or of  
42 the commissioner or of the county board to find the permanent  
43 registration forms of such applicant, then in addition such applicant  
44 shall establish by reference to the registry lists of former elections, that  
45 he was previously registered. Such evidence shall be deemed sufficient  
46 to establish the fact that the applicant was formerly registered. If the

1 order is directed to a district board, the district board shall certify and  
2 return the order at the close of the election to the commissioner.

3 In counties having a superintendent of elections, any registrant so  
4 found to have died, or been disqualified by conviction of a crime which  
5 would disfranchise a person under the laws of this State, or never has  
6 resided at the place of registry or is registered from some place other  
7 than his actual residence, or does not possess the qualifications to vote  
8 required by the Constitution of this State, or is otherwise not entitled  
9 to vote, the commissioner shall cause the permanent registration forms  
10 of such registrant to be transferred to the inactive or death file as the  
11 case may be.

12 The commissioner in counties having a superintendent of elections,  
13 before transferring such forms to the inactive file or death file, shall  
14 serve an order in writing, signed by him, upon the proper district  
15 board, ordering it to refuse to allow such person to vote at the next  
16 election.

17 The commissioner in counties having a superintendent of elections,  
18 before signing such order in writing to any district board, shall give  
19 notice of his proposed action to such registered person (1) personally,  
20 or (2) by leaving the same at the person's registered place of residence  
21 with a person above the age of fourteen years, if any such person can  
22 be found, and if not, by affixing the same to the outer door of such  
23 place of residence or to any other portion of such premises if no  
24 building be found thereon, or (3) by sending the same by mail  
25 addressed to the person at his registered place of residence at least  
26 two entire days before the issuance of the order; and the commissioner  
27 shall cause a list of the names of such persons, with their registry  
28 addresses, to be published at least two entire days before the issuance  
29 of the order in at least one, and if the commissioner deems necessary,  
30 two or more newspapers published within the county, at least one of  
31 which shall be a daily newspaper, if there be one published therein;  
32 otherwise, one which shall be published most frequently. Such  
33 published notice, in addition to containing the names and addresses of  
34 such persons, shall give notice to them of the proposed action of the  
35 commissioner. No such order in writing shall be signed by the  
36 commissioner subsequent to the Tuesday preceding an election.

37 In all counties when the transfer of any person's permanent  
38 registration form is to be made to the death file or is to be made to the  
39 inactive file because such person did not vote at any election during  
40 four consecutive years, or because the name of such person has been  
41 ordered stricken from the register by the court, or because such person  
42 has changed his or her name by decree of court, or because such  
43 person is a woman who changed her name due to marriage or divorce  
44 and neglected to reregister in accordance with law, or because the  
45 information which forms the basis of such proposed action in making  
46 such transfer was received from such person directly, no notice of such

1 proposed action need be given to such registered person and such  
2 person's name and registry address need not be published as required  
3 in this section.

4 The commissioner in counties having a superintendent of elections  
5 shall cause such order to be delivered to the district board at the same  
6 time as the challenge lists are delivered, which order shall be received  
7 for by the judge of the district board, who shall use the order in  
8 conjunction with the registry list, so that no person whose name  
9 appears upon the order shall be allowed to vote. Such order shall be  
10 signed and certified to by each member of the district board to the  
11 effect that no person whose name appears therein has been allowed to  
12 vote. The order shall be returned to the commissioner at the same  
13 time and together with the challenge lists. Upon receipt of such order  
14 the commissioner shall thereupon transfer the permanent registration  
15 forms of the person named in such order to the inactive, death or  
16 conviction file, as the case may be, and he shall not be permitted to  
17 vote at any subsequent election, by court order or otherwise, unless he  
18 has reregistered.

19 Any person affected by the action of the commissioner in counties  
20 having a superintendent of elections shall, during the week  
21 immediately preceding the election and on the election day, have the  
22 right to make application to a judge of the Superior Court of the  
23 county for the purpose of obtaining an order entitling him to vote in  
24 the district in which he actually resides. The burden of proof shall be  
25 upon the applicant. The judge of the Superior Court if satisfied that  
26 the applicant is entitled under the law to vote at such election and after  
27 determining the election district in which the person actually resides  
28 may issue an order directing the district board of that district to permit  
29 such person to vote. If the applicant shall be refused the right to vote,  
30 due to the inability of the district board or of the commissioner or of  
31 the county board to find the permanent registration forms of such  
32 applicant, then in addition such applicant shall establish by reference  
33 to the registry lists of former elections that he was previously  
34 registered. Such evidence shall be deemed sufficient to establish the  
35 fact that the applicant was formerly registered. The district board shall  
36 certify and return the order to the commissioner at the close of the  
37 election, who thereupon shall restore the permanent registration forms  
38 of such person to the active file. Before the issuance of such order,  
39 the commissioner shall be heard personally, or by his chief deputy or  
40 assistants, as to the reasons why he has issued an order denying such  
41 person the right to vote. The commissioner or any one representing  
42 him shall have full power to cross-examine any witness. The judge of  
43 the Superior Court making such order shall cause a full record of the  
44 proceedings of the application to be taken stenographically,  
45 transcribed and filed in the office of the county clerk of the county,  
46 which record shall be open and public record. All costs and expenses

1 of such proceedings shall be paid by the county.

2 In no event shall the permanent registration forms or voting record  
3 of any registrant be removed or transferred to the inactive file  
4 subsequent to the second Tuesday preceding any election, until after  
5 such election; nor shall the permanent registration forms or voting  
6 record of any registrant in counties not having a superintendent of  
7 elections be removed or transferred to the inactive file if the name of  
8 such registrant is not first published in the manner above described,  
9 except as herein otherwise provided.

10 Any commissioner who, after ascertaining that a person has died,  
11 been disqualified, moved out of the permanent registration area or has  
12 been improperly registered, and who willfully or fraudulently refuses  
13 to cause to transfer the permanent registration forms of such persons  
14 to the proper file shall be guilty of a [misdemeanor] crime of the fourth  
15 degree.

16 (cf: P.L.1991, c.91, s.249)

17

18 11. R.S.19:31-28 is amended to read as follows:

19 19:31-28. Any commissioner who shall willfully refuse to comply  
20 with such order shall be deemed to be guilty of a [misdemeanor] crime  
21 of the fourth degree.

22 (cf: R.S.19:31-28)

23

24 12. Section 2 of P.L.1944, c.230 (C.19:31A-8) is amended to read  
25 as follows:

26 2. Every person qualified to vote in any election shall at any time  
27 after the opening of the polls be at liberty to enter the polling place or  
28 room and claim his right to vote at such election in his proper district,  
29 and he shall claim such right in person before the district board in the  
30 district. The board shall permit no person to vote whose name does  
31 not appear in the signature copy register of its election district. Each  
32 voter in claiming the right to vote shall first give his full name and  
33 address to the member of the district board having charge of the  
34 duplicate permanent registration binder and voting record and the  
35 signature comparison record. Such clerk shall thereupon locate the  
36 permanent registration form and voting record and signature  
37 comparison record of the voter and shall require the voter to  
38 thereupon sign his name in the proper space on his signature  
39 comparison record if the voter has previously signed his name on the  
40 line marked sample signature. If the voter has not so signed the  
41 member of the district board shall require the voter to sign the line  
42 marked sample signature and compare the sample signature with the  
43 signature made by such person at the time he registered and if satisfied  
44 that they were made by one and the same person he shall then permit  
45 the voter to sign his name in the proper space on the signature  
46 comparison record. The voter shall sign his name without assistance

1 using black ink in the proper column on the signature comparison  
2 record. Such signature being completed on the signature comparison  
3 record the member of the board having charge of the duplicate  
4 permanent registration binder shall audibly and publicly announce the  
5 name of the claimant and if the member of the board has ascertained  
6 from the duplicate permanent registration binder that the claimant is  
7 registered as a qualified voter and upon comparison the member of the  
8 board is satisfied that the signature of the claimant and the sample  
9 signature on the signature copy register has been made by one and the  
10 same person, the member of the board who compared the signature of  
11 the voter shall place his initials in the proper column on the signature  
12 comparison record signifying that he has made such comparison and  
13 is satisfied that the signature of the claimant and sample signature has  
14 been made by one and the same person; whereupon the voter shall be  
15 eligible to receive a ballot unless it be shown to the satisfaction of a  
16 majority of the members of the district board that he is not entitled to  
17 vote in the district or has otherwise become disqualified.

18 In addition to signing the signature comparison record and after the  
19 comparison of the signature with the signature in the register, a person  
20 offering to vote at a primary election for the general election shall  
21 announce his name and the party primary in which he wishes to vote.

22 After a person has voted, the member of the district board having  
23 charge of the signature copy register shall place the number of the  
24 person's ballot in the proper column on the record of voting form of  
25 such person, which number shall constitute a record that the person  
26 has voted. In the case of a primary election for the general election  
27 such member of the district board shall also place in the proper column  
28 on the record of voting form the first three letters of the name of the  
29 political party whose primary ballot such person has voted.

30 No person shall be required to sign the signature comparison record  
31 as a means of identification if he shall have been unable to write his  
32 name when he registered, or if, having been able to write his name  
33 when registered, he subsequently shall have lost his sight or lost the  
34 hand with which he was accustomed to write or shall by reason of  
35 disease or accident be unable to write his name when he applies to  
36 vote, but each such person who alleges his inability to sign his name  
37 on the signature comparison record shall establish his identity as  
38 follows: one of the members of the district board shall read the same  
39 list of questions to the voter as were required upon registration, such  
40 questions shall be provided at each election by the commissioner of  
41 registration and are to be known as "identification statements for  
42 election day." The member of the board shall write the answers of the  
43 voter upon the identification statement. These statements shall be  
44 inserted in the front of the duplicate registry binders, at each election,  
45 and shall be numbered serially from one to twenty.

46 Each statement shall contain the same questions as the voter was

1 required to answer upon registration. The questions answered upon  
2 registration shall not be turned to or inspected until the answers to the  
3 questions shall have been written on election day by the member of the  
4 board.

5 At the end of each list of questions shall be printed the following  
6 statement: "I certify that I have read to the above named voter each  
7 of the foregoing questions and that I have duly recorded his answers  
8 as above to each of said questions"; and the member of the board who  
9 has made the above record shall sign his name to such certificate and  
10 date the same, and note the time of day of making such record. If the  
11 answers to the questions asked of the voter on election day agree with  
12 the answers given by him to the same questions at the time he  
13 registered, he shall then be eligible to receive a ballot. [Any person  
14 who shall permit or attempt to furnish the answers on behalf of the  
15 voter shall be guilty of a misdemeanor.] The commissioner of  
16 registration shall furnish sufficient identification statements for each  
17 election district in each county. The statements shall be printed on  
18 sheets approximately ten by sixteen inches and shall contain a margin  
19 of approximately two inches for binding and shall be inserted in the  
20 front of the duplicate registry binders each election and shall be in  
21 substantially the following form:

22 FORM OMITTED

23 At any election any person who declares under oath and establishes  
24 to the satisfaction of a majority of all the members of the district  
25 board, that by reason of an inability to read or write, blindness or other  
26 physical disability he is unable to mark his ballot without assistance,  
27 shall have the assistance of two members of the board of opposite  
28 political faith, to be assigned by the board, in preparing his ballot.  
29 Such members shall retire with such voter to the booth and assist him  
30 in the preparation of his ballot and folding the same. The member  
31 acting as clerk of the district board shall make an entry on a disability  
32 certificate for assistance, which entry shall be in the form of an oath  
33 and be inserted in the front of the duplicate registry binders each  
34 election.

35 In every instance when such oath was administered to a voter as  
36 herein provided, it shall state briefly what facts were sworn to and the  
37 names of the members of the board who aided such voter. Any  
38 members of the district board shall be eligible to witness the  
39 preparation of the ballot of any such voter, but no other person shall  
40 be allowed to assist him in marking his ballot or to witness the marking  
41 of the same. No member of the board shall reveal the name of any  
42 person for whom such voter has voted or anything that took place  
43 while he was being assisted.

44 Such voter, if blind, disabled, or unable to read or write, may, in  
45 lieu of the assistance of the board as above provided, have assistance  
46 of some person of his own selection in preparing his ballot. Such

1 person shall retire with such voter to the booth and assist him in the  
2 preparation of his ballot and folding the same. The name and address  
3 of such person shall be recorded as above. In such case, no other  
4 person than the one so selected by the voter shall be allowed to assist  
5 such voter in marking his ballot or witness the marking of the same.  
6 No person so selected shall reveal the name of any person for whom  
7 such voter has voted or anything that took place while he was being  
8 assisted.

9 The disability certificates shall be numbered serially one to twenty.  
10 The commissioner of registration shall furnish sufficient disability  
11 certificates for assistance for each election district in his county. The  
12 disability certificates for assistance shall be printed on sheets  
13 approximately ten by sixteen inches and shall contain a margin of  
14 approximately two inches for binding and shall be in substantially the  
15 following form:

16 FORM OMITTED

17 The commissioner of registration in each county shall furnish  
18 sufficient certificates of signature comparison records for each election  
19 district in his county to be filled in and signed at the close of the polls  
20 by the members of the district board. A blank space shall also be  
21 provided for on the certificate for the signatures of the members of the  
22 election board. Under said certificate there shall also be printed the  
23 word "Remarks" together with a number of blank lines. The  
24 commissioner shall insert one of such certificates in the front of the  
25 signature copy register in each election district in the county. At  
26 primary elections the certificate shall be in substantially the following  
27 form:

28 FORM OMITTED

29 At all other elections the certificates shall be in substantially the  
30 following form:

31 FORM OMITTED

32 After each election the commissioner of registration shall remove  
33 from the binders the identification statements, the disability certificates  
34 for assistance, and certifications of signature comparison records and  
35 shall preserve them in his office in a suitable place for a period of two  
36 years.

37 (cf: P.L.1985, c.20, s.1)

38

39 13. R.S.19:32-5 is amended to read as follows:

40 19:32-5. Such superintendents and their assistants, in order to  
41 enforce the laws of this state regarding the conduct of elections, shall  
42 investigate all complaints relating to the registration of voters, and for  
43 that purpose the superintendents and their assistants shall have full  
44 power and authority to visit and inspect any house, dwelling, building,  
45 inn, lodging house or hotel and interrogate any inmate, house-dweller,  
46 keeper, caretaker, owner, proprietor or landlord thereof or therein as

1 to any person or persons residing or claiming to reside therein or  
2 thereat; to inspect and copy any books, records, papers or documents  
3 relating to or affecting the elections, either general, special, primary or  
4 municipal, or the registration of voters in the custody and control of  
5 district boards, county boards, or the clerks or other officers of  
6 municipalities; to require every lodging-house keeper, landlord or  
7 proprietor to exhibit his register of lodgers therein at any time to the  
8 superintendent, his subordinates or any other person so designated by  
9 such superintendent.

10 Any person who neglects or refuses to furnish any information  
11 required or authorized by this title, or to exhibit the records, papers,  
12 or documents herein authorized to be inspected, or which are required  
13 to be exhibited, shall be guilty of a [misdemeanor] crime of the fourth  
14 degree.

15 (cf: R.S.19:32-5)

16

17 14. R.S.19:32-19 is amended to read as follows:

18 19:32-19. Any member of a district board who, after the receipt of  
19 an order from the superintendent denying any person the right to vote,  
20 unless the order of the superintendent has been revoked by a judge of  
21 the Superior Court in the county, as hereinabove provided, allows such  
22 person to vote, shall be guilty of a [misdemeanor,] crime of the fourth  
23 degree and shall forfeit his right to such office [and be subject to  
24 imprisonment for a term not exceeding three years, or the payment of  
25 a fine of one thousand dollars (\$1,000.00), or both].

26 (cf: P.L.1991, c.91, s.253)

27

28 15. R.S.19:32-22 is amended to read as follows:

29 19:32-22. The superintendent and his chief deputy and assistants  
30 are hereby authorized and empowered and without warrant, to arrest  
31 any person violating any provision of this title.

32 The superintendent and his chief deputy and assistants, as the case  
33 may be, shall have the right and power to call upon any constable,  
34 police officer or other peace officer to aid in taking any person so  
35 arrested to the nearest police station in the municipality in which the  
36 arrest is made, and such constable, police officer or other peace officer  
37 shall render such aid.

38 Any constable, police officer or other peace officer failing to  
39 comply with such request shall be guilty of a [misdemeanor] crime of  
40 the fourth degree.

41 (cf: R.S.19:32-22)

42

43 16. Section 5 of P.L.1947 c.167 (C.19:32-30) is amended to read  
44 as follows:

45 5. Such superintendents and their assistants, in order to enforce the  
46 laws of this State regarding the conduct of elections, shall investigate

1 all complaints relating to the registration of voters, and for that  
2 purpose the superintendents and their assistants shall have full power  
3 and authority to visit and inspect any house, dwelling, building, inn,  
4 lodging house or hotel and interrogate any inmate, house-dweller,  
5 keeper, caretaker, owner, proprietor or landlord thereof or therein as  
6 to any person or persons residing or claiming to reside therein or  
7 thereat; to inspect and copy any books, records, papers or documents  
8 relating to or affecting the elections, either general, special, primary or  
9 municipal, or the registration of voters in the custody and control of  
10 district boards, county boards, or the clerks or other officers of  
11 municipalities; to require every lodging-house keeper, landlord or  
12 proprietor to exhibit his register of lodges therein at any time to the  
13 superintendent, his subordinates or any other person so designated by  
14 such superintendent.

15 Any person who neglects or refuses to furnish any information  
16 required or authorized by this Title, or to exhibit the records, papers,  
17 or documents herein authorized to be inspected, or which are required  
18 to be exhibited, shall be guilty of a [misdemeanor] crime of the fourth  
19 degree.

20 (cf: P.L.1947, c.167, s.5)

21

22 17. Section 17 of P.L.1947, c.167 (C.19:32-42) is amended to read  
23 as follows:

24 17. Any member of a district board who, after the receipt of an  
25 order from the superintendent denying any person the right to vote,  
26 unless the order of the superintendent has been revoked by a judge of  
27 the Superior Court, as hereinabove provided, allows such person to  
28 vote, shall be guilty of a [misdemeanor,]crime of the fourth degree and  
29 shall forfeit his right to such office and be subject to imprisonment for  
30 a term not exceeding three years, or the payment of a fine of one  
31 thousand dollars (\$1,000.00), or both.

32 (cf: P.L.1991, c.91, c.255)

33

34 18. R.S.19:34-1 is amended to read as follows:

35 19:34-1. If any member of the district board shall willfully refuse  
36 to enter in the canvassing books or upon the registers the name of any  
37 person legally entitled to vote, or shall register the name of any person  
38 contrary to the provisions of this title, such member shall be [punished  
39 by a fine not exceeding one thousand dollars, or by imprisonment not  
40 exceeding two years, or both] guilty of a crime of the third degree.

41 Any person who shall cause or procure his name to be registered in  
42 more than one election district, or shall cause or procure his name or  
43 that of any other person to be registered, knowing that he or such  
44 other person is not entitled to vote in the election district wherein such  
45 registry is made at the next election to be held therein, shall be  
46 [punished for each such offense by a fine not exceeding one thousand

1 dollars, or imprisonment for a term not exceeding five years, or both]  
2 guilty of a crime of the third degree.

3 No district board shall execute or deliver to any voter any paper in  
4 the nature of a transfer, purporting to authorize him to vote in any  
5 other election district unless he is actually registered as now provided  
6 by law.

7 Any officer or employee who shall willfully fail to perform or  
8 enforce any of the provisions of this title or who shall unlawfully or  
9 fraudulently remove any registration records, or who shall willfully  
10 destroy any record directed by this title to be kept[, or any person  
11 who shall willfully or fraudulently register more than once, or register  
12 under any but his true name, or attempt to vote by impersonating  
13 another who is registered, or who willfully registers in any election  
14 district where he is not a resident at the time of registering, or who  
15 violates any of the provisions of this title, shall be [guilty of a  
16 misdemeanor] guilty of a crime of the fourth degree.

17 (cf: R.S.19:34-1)

18

19 19. R.S.19:34-14 is amended to read as follows:

20 19:34-14. If a member of any district board has knowledge how  
21 any person has voted and shall reveal such knowledge to any other  
22 person, or shall fraudulently or corruptly disclose what other  
23 candidates were voted for on any ballot bearing a name not printed  
24 thereon, or fraudulently or corruptly gives any information concerning  
25 the appearance of any ballot voted, he shall be guilty of a  
26 [misdemeanor and shall be punished by a fine not exceeding two  
27 thousand dollars or imprisonment not exceeding five years] crime of  
28 the third degree.

29 (cf: R.S.19:34-14)

30

31 20. R.S.19:34-32 is amended to read as follows:

32 19:34-32. No insurance corporation or association doing business  
33 in this state shall, directly or indirectly, pay or use, or offer, consent  
34 or agree to pay or use, any money or property for or in aid of any  
35 political party, committee, organization or corporation, or for or in aid  
36 of any candidate for political office, or for nomination for such office,  
37 or for any political purpose whatsoever, or for the reimbursement or  
38 indemnification of any person for money or property so used.

39 Any officer, director, stockholder, attorney or agent of any  
40 corporation or association which violates any of the provisions of this  
41 title, who participates in, aids, abets, or advises or consents to any  
42 such violation, and any person who solicits or knowingly receives any  
43 money or property in violation of this title, shall be guilty of a  
44 [misdemeanor] crime of the fourth degree.

45 (cf: R.S.19:34-32)

46

1 21. R.S.19:34-35 is amended to read as follows:

2 19:34-35. Any person who shall expend, aid or assist in the  
3 expenditure of any such money for a purpose not authorized by this  
4 title, or for a purpose not named in the statement accompanying such  
5 contribution, shall be guilty of a [misdemeanor] crime of the fourth  
6 degree.

7 (cf: R.S.19:34-35)

8

9 22. R.S.19:34-50 is amended to read as follows:

10 19:34-50. Any person chosen as member of the state committee,  
11 county committee, or any municipal committee of any political party  
12 who shall sit or perform any duty, or exercise any functions as a  
13 member of such committee after his election thereto shall have been  
14 declared null and void, shall be guilty of a [misdemeanor] crime of the  
15 fourth degree, and each member of any such committee who shall vote  
16 to recognize any such member after such election shall have been  
17 declared null and void shall likewise be guilty of a [misdemeanor]  
18 crime of the fourth degree.

19 (cf: R.S.19:34-50)

20

21 23. R.S.19:34-51 is amended to read as follows:

22 19:34-51. Any delegate at large or district delegate to any national  
23 convention who shall fail to surrender such certificate of election  
24 forthwith after the same has been declared null and void, or who shall  
25 use such certificate of election, or who shall present such certificate of  
26 election as a credential at any such convention, or to any committee on  
27 credentials at such convention, or who shall leave the limits of this  
28 state with such certificate in his possession with intent to use the same  
29 as a credential for admission to any political convention, shall be guilty  
30 of a [misdemeanor] crime of the fourth degree.

31 (cf: R.S.19:34-51)

32

33 24. R.S.19:34-53 is amended to read as follows:

34 19:34-53. Any person who neglects or refuses to furnish any  
35 information required or authorized by this title or to exhibit the  
36 records, papers or documents herein authorized to be inspected, or  
37 which are required to be exhibited, shall be guilty of a [misdemeanor]  
38 crime of the fourth degree.

39 (cf: R.S.19:34-53)

40

41 25. R.S.19:34-54 is amended to read as follows:

42 19:34-54. Any person who shall omit, neglect or refuse to obey a  
43 subpoena attested in the name of the county clerk, municipal clerk, or  
44 county board and made returnable by such clerk or board, or refuses  
45 to testify under oath before such clerk or board, shall be guilty of a

1 [misdemeanor] crime of the fourth degree.

2 (cf: R.S.19:34-54)

3

4 26. R.S.40:73-1 is amended to read as follows:

5 40:73-1. All officers and employees shall be elected or appointed  
6 with reference to their qualifications and fitness, for the good of the  
7 public service and without reference to their political faith or party  
8 affiliations. No officer or candidate for office in any such municipality  
9 shall directly or indirectly give or promise any person any office,  
10 position, employment, benefit or anything of value for the purpose of  
11 influencing or obtaining the political support, aid or vote of any  
12 person, under the penalty of being disqualified to hold the office to  
13 which he may have been elected or appointed. Every elective officer  
14 in any such municipality, shall, within ten days after qualifying, file  
15 with the municipal clerk, and publish at least once in a newspaper  
16 printed and published in such municipality, and if there be no such  
17 newspaper then in a newspaper of general circulation in the  
18 municipality, his sworn statement of all his election and campaign  
19 expenses, and by whom such funds were contributed. Any violation  
20 of the provisions of this section shall be a [misdemeanor] crime of the  
21 fourth degree and a ground for removal from office.

22 (cf: R.S.40:73-1)

23

24 27. The following sections are repealed:

25 N.J.S.18A:14-65 through N.J.S.18A:14-74;

26 N.J.S.18A:14-76 through N.J.S.18A:14-102;

27 N.J.S.18A:14-104;

28 R.S.19:32-8;

29 R.S.19:32-12;

30 R.S.19:32-13;

31 R.S.19:34-2 through R.S.19:34-7;

32 R.S.19:34-9 through R.S.19:34-13;

33 R.S.19:34-15 through R.S.19:34-23;

34 R.S.19:34-25 through R.S.19:34-31;

35 R.S.19:34-46 through R.S.19:34-49;

36 R.S.19:34-55;

37 R.S.19:53-1;

38 R.S.40:75-49;

39 R.S.40:76-27.

40 Section 7 of P.L.1960, c.195 (C.19:4-4.7);

41 Section 8 of P.L.1947, c.167 (C.19:32-33)

42 Section 10 of P.L.1947, c.167 (C.19:32-35)

43 Section 11 of P.L.1947 (C.19:32-36)

44 Section 15 of P.L.1973, c.82 (C.19:53A-15);

45 Section 33 of P.L.1964, c.134 (C.19:58-33)

1       28. This act shall take effect immediately.

2

3

4

#### STATEMENT

5

6       This bill implements the recommendations of the New Jersey Law  
7 Revision Commission. It is a continuation of the effort to compile  
8 criminal law which is not now in Title 2C, the Criminal Code, into the  
9 Criminal Code. Crimes that may be applicable to the public generally  
10 should be placed in the Criminal Code. That compilation enhances  
11 accessibility and fosters the consistent application of general principles  
12 of criminal law and sentencing.

13       This bill concerns offenses related to elections and voting. Those  
14 offenses are now scattered throughout Titles 18A, 19, and 40 of the  
15 statutes. Even taken as a whole, they do not form a coherent body of  
16 law. In many cases, the same conduct is forbidden by several statutes.  
17 For example, voting more than once in an election is forbidden  
18 generally by both 19:34-12 and 19:34-20. In addition, voting more  
19 than once by means of an absentee ballot is forbidden by 19:57-37.  
20 Voting more than once in a school board election is forbidden  
21 separately by at least three provisions: 18A:14-67, 18A:14-78 and  
22 18A:14-86. Many of the current statutory provisions are also  
23 unnecessarily detailed and some of that detail has become  
24 anachronistic. For example, 18A:14-71 specifically forbids removal of  
25 pencils from voting booths.

26       This bill recommends the replacement of most of the current voting  
27 offenses with a new chapter of the Criminal Code. The chapter is  
28 designed to be a clear, coherent statement of the voting offenses that  
29 are applicable to the general public. The offenses are stated in general  
30 terms so that they reach any kind of conduct that involves the evil  
31 sought to be prevented.

32       Section 2C:31-1 establishes crimes directly related to voting. It  
33 forbids voting in an election, registering to vote or signing election  
34 provisions when one is not eligible. It also forbids voting more than  
35 once, or as another person, or in a manner contrary to established  
36 voting procedures.

37       Section 2C:31-2 is based on 19:53-1 which specifically forbids  
38 tampering with voting machines and the unauthorized possession of  
39 voting machine keys. It has been broadened to include tampering with  
40 ballots and election records. These activities are separately forbidden  
41 by a large number of other sections.

42       Section 2C:31-3 gathers together all of the offenses which involve  
43 interfering with voting. Subsection (a) prohibits obstructing an  
44 election or hindering a person from voting. It replaces a large number  
45 of offenses, many of them very specific as to means or as to the  
46 relationship between the person hindering and the voter. Subsections

1 (b) and (c) make it an offense to bribe a person not to vote or to  
2 accept such a bribe. These subsections supplement the Criminal Code  
3 provision on bribery, 2C:27-2. The Code provision makes it an  
4 offense to offer a benefit in exchange for a vote but does not deal with  
5 the problem of offering a benefit not to vote.

6 Section 2C:31-4, prohibiting electioneering within 100 feet of a  
7 polling place, is a continuation of current law. Section 2C:31-5  
8 generalizes a number of sections make it an offense to induce a voter  
9 to mark his ballot outside of the voting booth or to make  
10 distinguishing marks on a ballot. Sections 2C:31-6, prohibiting betting  
11 on the outcome of an election, and 2C:31-7, prohibiting unsigned  
12 election advertisements, are a continuation of current law.

13 The bill amends 2C:51-3 to assure that the section applies to all  
14 elections including school elections.

15 The bill also repeals offenses related to voting that are unnecessary  
16 in that they cover activities already made criminal by other, more  
17 general criminal statutes. An example is 19:34-26 which makes it a  
18 crime to make a false statement under an oath in election matters. Any  
19 perjury or false swearing is criminal under 2C:28-1 and 2C:28-2. In  
20 such cases, it is recommended that the voting offense be deleted.

21 The bill does not replace all of the offenses relating to elections.  
22 There are a few sections that should remain with election law. These  
23 sections forbid certain activities by election officials. An example is  
24 19:34-14 forbidding an election official who has knowledge of how a  
25 person has voted from divulging that information. This bill amends  
26 such sections as is necessary to make them consistent with current  
27 criminal law.

28

29

30

31

32 Revises statutes relating to election offenses.